

Minutes

Bar Harbor Town Council

October 21, 2008

- I. **CALL TO ORDER** – 7:00 P.M. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Sandy McFarland, Julia Schloss, and Robert Jordan, Jr.; and Town Manager Dana Reed.

A. **Excused Absence** – Mr. Paradis, with second by Ms. Schloss, moved to excuse Greg Veilleux as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0

- II. **APPROVAL OF MINUTES: October 7, 2008** – Mr. Paradis, with second by Ms. Schloss, moved to approve the minutes of the October 7, 2008 as presented with the exception of changing the vote on item I(1) to be 7-0 and changing Mr. Garland's comments in item VII to read: "Mr. Garland stated that he was disturbed by the tone of the attorney's letter to the DEP regarding the road to the transfer station." Also, Mr. Garland added that he was pleased with the MDOT letters regarding Town Hill. Motion passed 6-0.

- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Garland, moved to adopt the agenda as presented. Motion passed 6-0.

- IV. **FINANCIAL STATEMENTS:** - Following brief comments, Mr. Paradis, with second by Mr. McFarland, moved to accept and file the financial statements as presented in the Finance Director's memo dated October 14, 2008. Motion passed 6-0.

- V. **PUBLIC HEARINGS:**

A. **Sewer Ordinance Amendment** – *Public hearing on and possible adoption of an amendment to clarify grease interceptor procedures and provide for the assessment of construction costs.* – There being no public comments, Mr. Paradis, with second by Mr. Jordan, moved to adopt the Sewer Ordinance Amendment as proposed. Motion passed 6-0.

Sewer Ordinance Revision

Town of Bar Harbor

#2008-04

**An Amendment to Better Define the Summer Residential Discount,
Move Appeals to the Town Council, Clarify Grease Interceptor Procedures
and Provide for the Assessment of Construction Costs.**

The Town of Bar Harbor hereby ordains that Chapter 165 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 165 , SEWERS

ARTICLE I, Terminology

§ 165-1. Definitions and word usage.

- A. For the purposes of this chapter, the following terms shall have the meanings indicated:

BOD (denoting "biochemical oxygen demand") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days of 20° C., expressed in parts per million by weight.

BUILDING SEWER -- That part of the lowest horizontal piping which receives the discharge from soil, waste and other sewage pipes inside the walls of the building and conveys it to the service connection.

COMBINED SEWER -- A sewer receiving both surface drainage and sewage.

GARBAGE -- Solid wastes from the processing, preparation, cooking, dispensing, handling, storage and sale of food products.

HEALTH OFFICER -- The Health Officer of the Town of Bar Harbor or his authorized representative.

INDUSTRIAL WASTES -- The liquid wastes from industrial processes, as distinct from sewage.

NATURAL OUTLET -- Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON -- Any individual, firm, company, association, society, corporation or group.

pH -- A number indicating the degree of acidity or basicity of a solution. Numerically a pH of seven indicates a neutral solution. Numbers below seven indicate an acid condition, the smaller the number the stronger the acid, and numbers above seven indicate a basic condition, the larger the number the stronger the basic.

PLUMBING INSPECTOR -- A master plumber who has been licensed by the State of Maine and appointed by the Town Council to act as such.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and which is owned and/or controlled by the Town of Bar Harbor.

SANITARY SEWER -- A sewer which carries sewage and to which storm drainage and groundwater are not intentionally admitted. In this chapter the word "sewer" means "sanitary sewer."

SERVICE CONNECTION -- The branch sewer line from the public sewer to the public right-of-way line of a dwelling or other establishment.

SEWAGE -- The combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, except industrial wastes.

SEWER -- A pipe or conduit for carrying sewage.

SEWERAGE SYSTEM -- All facilities for collecting, pumping, treating and disposing of sewage.

SHREDDED GARBAGE -- The wastes from the processing, preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

STORM DRAIN -- A pipe which carries storm and surface waters as drainage but excludes sewage and industrial wastes.

SUPERINTENDENT -- The Superintendent of Public Works, Town of Bar Harbor, or his authorized deputy, agent or representative.

SUSPENDED SOLIDS -- Solids that either float on the surface of or are in suspension in water, sewage or other liquids.

TOWN -- The Town of Bar Harbor, Hancock County, Maine, a municipality of the State of Maine, acting by and through its Town Council.

TOWN COUNCIL -- The Town Council of the Town of Bar Harbor.

WATERCOURSE -- A channel in which a flow of water occurs naturally, either continuously or intermittently.

B. "Shall" is mandatory, and "may" is permissive.

ARTICLE II, Use of Public Sewers Required

§ 165-2. Unlawful discharges.

It shall be unlawful to discharge to any natural outlet within the Town of Bar Harbor or in any area under the jurisdiction of said Town any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 165-3. Unlawful sewage disposal facilities.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage where a public sewer is available, except as hereinafter provided.

§ 165-4. Connection to public sewer required.

The owner of all houses, buildings or properties used for human habitation or occupancy situated within the Town and abutting on any street, alley or right-of-way in which there is a public sewer of the Town is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the building.

ARTICLE III, Sewer Rates

§ 165-5. Statutory authority.

The authority for this article is 30-A M.R.S.A. § 5405(1) which authorizes the Town Council to "fix the schedule of rates, fees and other charges for the use of, and for the services furnished...by any revenue-producing facility," including any sewage disposal system.

§ 165-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANNUAL CAPITAL BUDGET -- The amount contained in the capital improvement budget for the municipal sewer system for a given fiscal year.

CAPITAL RATE -- A rate per cubic foot of usage that is based on total municipal usage during the summer and fall quarters and which is sufficient to cover both the annual capital budget and debt repayment.

DEBT REPAYMENT -- The amount necessary in a given fiscal year to service debt incurred after July 1, 1995.

DINING AREA -- That area commonly known as the "dining room," being the gross area used for the consumption of food within a restaurant, including aisles and walkways used by the diners and wait staff for circulation to, from and around

dining tables and chairs but excluding food preparation areas, kitchens, dish-washing areas, wait staff stations, storage rooms, staff break rooms, retail space, cloakrooms, rest rooms, offices and checkout counters.

FISCAL YEAR -- The financial year of the Town of Bar Harbor as determined by its Charter.

MOUSE PRODUCTION AREA -- That area commonly known as the "mouse room" at the Jackson Laboratory, being the gross area used for the production of laboratory mice, excluding changing rooms, washrooms, ventilation rooms, entry areas and the like.

MUNICIPAL SEWER SYSTEM -- All facilities owned by the Town of Bar Harbor for collecting, pumping, treating, composting and disposing of sewage, including but not limited to pump stations, collection systems, treatment plants and related clerical and administrative services.

NONRESIDENTIAL -- Property ~~that is classified as other than property type 001 in the Town of Bar Harbor assessing records~~ not meeting the definition of "Residential" as provided below.

OPERATING BUDGET -- The budget adopted by the Town Council for the operation of the municipal sewer system during a given fiscal year, including the servicing of debt existing as of July 1, 1995, but not including the servicing of debt incurred after July 1, 1995, depreciation or the capital improvement budget.

OPERATIONS RATE -- A rate per cubic foot of usage that is based on total municipal usage and which is sufficient to cover the operating budget.

QUARTER -- The first, second, third or fourth three-month period of a fiscal year as shown below:

	<u>Season</u>	<u>Quarter</u>	<u>Dates</u>
	Summer	First	July 1 to September 30
	Fall	Second	October 1 to December
30	Winter	Third	January 1 to March 30
	Spring	Fourth	April 1 to June 30

RESIDENTIAL -- Property that is used primarily as a home or dwelling and is so classified as property type 001 in the Town of Bar Harbor assessing records.

SEWER RATES -- The rates to be charged to users of the municipal sewer system. These rates consist of the operations rate and the capital rate.

SUPERINTENDENT -- The Wastewater Treatment Superintendent, his/her designee or, in their absence, the Director of Public Works.

USAGE -- The amount of input into the municipal sewer system as measured or estimated by the cubic foot.

USER -- The owner of a property that is connected to the municipal sewer system.

§ 165-7. Procedure for establishing rates.

- A. *Town Council action.* From time to time, the Town Council shall, following a public hearing, notice of which shall be given in the same manner as for proposed ordinances, establish sewer rates to be in effect until such rates are further revised pursuant to this chapter.
- B. *Operations rate.* The minimum operations rate shall be established by subtracting from a fiscal year's operating budget all revenues expected to be received from all sources other than the application of the sewer rates to actual or minimum usage (i.e., connection fees, etc.) and then dividing the resulting number by a reasonable estimate of the annual total municipal usage for that fiscal year. For example:

Operating budget	\$1,000
<u>Other revenues</u>	<u>- \$250</u>
Net to be raised from operations rate	\$750
Total municipal usage = 100 cubic feet	
Operations rate = \$750 / 100 cubic feet = \$7.50 per cubic foot	

- C. *Capital rate.* The capital rate shall be established by adding a fiscal year's annual capital budget and debt repayment, subtracting from that sum all expenses otherwise financed, and then dividing the resulting number by a reasonable estimate of the total municipal usage for the summer and fall quarters for that year. For example:

Annual capital budget	\$1,000
Debt repayment	+ \$400
Expenses otherwise financed	- \$200
Net to be raised from capital rate	\$1,200
Estimate of total municipal summer and fall usage: 200 cubic feet	
Capital rate = \$1,200 / 200 cubic feet = \$6.00 per cubic foot	

D. *Billing.*

- (1) *Classification.* All users shall be classified as either residential or nonresidential for purposes of minimum billing and application of summer residential discount.
- (2) *Determination of usage.*
 - (a) *Metered properties.* The amount of usage in a given quarter by a user whose property is serviced by the Bar Harbor Water ~~Company~~ Division shall be the cubic feet of water used at that property for that quarter as determined by water meter readings performed by the Bar Harbor Water ~~Company~~ Division or the Town of Bar Harbor.
 - (b) *Unmetered properties.* The amount of usage in a given quarter by a user whose property is not serviced by the Bar Harbor Water ~~Company~~ Division shall be deemed to be 2,150 cubic feet per quarter.
 - (c) *Reduction of usage.*
 - [1] *Unmetered residential users.* Any residential user whose property is not serviced by the Bar Harbor Water ~~Company~~ Division who, in advance of any quarter, certifies in writing to the Town Treasurer, on a form prepared and made available by the Town Treasurer, that there will be no usage by that user's property for 52 or more days in that quarter shall be deemed to have a usage of 1,000 cubic feet for that quarter.
 - [2] *Summer residential discount.* ~~Any~~ Certain residential users, as described below, whose property is serviced by the Bar Harbor Water Division, ~~Company~~ shall be eligible for a summer discount in recognition of the fact that during the summer much water passes through a water meter that does not then enter the municipal sewer system. To receive this discount, such user must apply in writing, before September 30 immediately following the quarter for which the discount is sought, to the Finance Department on a form prepared and made available by the Finance Department. The summer residential discount will be applied by billing the user for the summer quarter based on his or her average usage for the immediately preceding winter and spring quarters or two quarters that can, at the discretion of the Finance Department, more reasonably estimate the basic usage of the residence rather than based on usage as indicated by a meter reading for the summer quarter. The discount shall not be available to:
 - [a] properties with a sewer service accepting waste from more than one residential unit, or

- [b] ~~for residences containing used in whole or in part for a home occupations, or residences used for commercial rental, vacation rental, or other commercial use, or~~
- [c] properties classified as a seasonal water customer.
- [3] *Other reductions.* Upon the receipt of sufficient evidence indicating that a user's total water consumption as indicated by a meter reading has not all entered into the municipal sewer system, the Town Treasurer may adjust a user's usage to reflect more accurately actual usage.
- E. *Calculation and payment of bill.*
- (1) *Generally.* Each user shall be billed quarterly for an operations charge and a capital charge. The operations charge shall be in an amount equal to the operations rate then in effect multiplied by the usage by that user's property during the immediately preceding quarter. The capital charge shall be in an amount equal to 1/4 of the capital rate then in effect multiplied by the usage by that user's property during the total of the immediately preceding summer and winter quarters. Bills shall be due and payable within 30 days after the date of the bill. Interest in the maximum amount allowed by state law will be charged on the unpaid balances of any bills not paid in full within 30 days after the date of the bill.
- (2) *Minimum bill.* Notwithstanding actual usage or any discounts or reductions in usage, residential users shall be billed for capital and operations charges based on a minimum usage of 1,000 cubic feet per quarter and nonresidential users shall be billed for capital and operations charges based on a minimum usage of 2,800 cubic feet per quarter.

ARTICLE IV, Sewer Connection Permits and Fees

§ 165-8. Permit required.

No person shall connect a building sewer to the public sewer, increase the flow of his existing sewer connection or change the use of any property connected to the sewer without first receiving a connection permit from the Superintendent and paying the appropriate connection fee, if any.

§ 165-9. Sewer connection fee rate.

From time to time the Town Council shall, following a public hearing, notice of which shall be given in the same manner as for proposed ordinances, establish a sewer connection fee rate to remain in effect until such rate is further revised pursuant to this chapter.

§ 165-10. Application for permit.

All persons required by this chapter to obtain a connection permit shall apply to the Superintendent on forms provided by the Superintendent. Said application shall state the name and service address of the owner, the proposed use of the property, and the estimated volume of the waste, a copy of any required building permit, and such other information as the Superintendent may reasonably deem necessary to administer this chapter. The Superintendent shall either approve or deny the application within 30 days of the receipt of a complete application. The permit shall not be issued until the connection fee, if any, has been paid.

§ 165-11. Calculation of connection fee.

The connection fee shall be calculated by multiplying the sewer connection fee rate established by the Town Council by the daily design flow of the proposed facility as determined by the Superintendent with reference to the following:

- A. *New facility.* For any new facility, the Superintendent shall determine the daily design flow by referring to the following table and assuming the maximum estimated population. In cases where the proposed use is not listed, the Superintendent shall make his/her determination of a reasonable design flow after consultation with the Maine Department of Human Services and any other appropriate authorities or references. The design flows for facilities shall be based on the resultant daily flows of wastewater as determined from the following table:

Design Flows for Facilities	
Type of Facility¹	Gallons Per Day Design Flow
<i>Single-Family Residential</i>	
Each one- or two-bedroom unit	180 per unit
Each additional bedroom	90 per bedroom
<i>Multiple Residential</i>	
Boardinghouses (includes meals)	50 per bedroom
Rooming houses (without meals)	40 per bedroom
Transient accommodations with	
Shared bathrooms	60 per bedroom
Private bathrooms	100 per bedroom
Mobile home parks	225 per site
Multifamily homes (except retirement homes)	
One-bedroom unit	120 per unit
Two-bedroom unit	180 per unit
Three-bedroom unit	270 per unit
Multifamily homes (retirement homes limited to persons older than 50 years)	
Each one- or two-bedroom unit	120 per unit
<i>Commercial Establishments</i>	
Airports ⁵	5 per passenger
Beauty salon ⁵	10 per customer
Bottle club ²	10 per 15 square feet
Bowling alley	75 per lane
Bus service areas ⁵	5 per person
Factories and plants ⁵	
Without showers	15 per person
With showers	25 per person
Laundry, self-service	400 per washer
Offices or research laboratories ⁵	15 per person
Restaurants	
Eat in with conventional utensils ²	30 per 15 square feet
Eat in with disposable utensils ²	15 per 15 square feet
Twenty-four-hour operation ²	50 per 15 square feet
Takeout only ³	8 per 15 square feet
Retail ⁴	6 per 100 square feet
Service station ⁶	125 per vehicle
Taverns ²	20 per 15 square feet
Tennis or racquetball courts	300 per court
<i>Type of Facility¹</i>	
<i>Gallons Per Day Design Flow</i>	
Theaters	5 per seat
Visitor center ⁵	6 per visitor per day
Work or construction camps (semipermanent)	
With flush toilets	50 per bed
Gray water only	35 per bed
<i>Institutional</i>	
Assembly halls or public buildings	5 per seat
Churches	5 per seat
Hospitals	150 per bed

Institutions (other than hospitals)	100 per bed
Mouse production area	1.76 per square foot
Nursing homes	100 per bed
Schools (boarding)	75 per bed
Schools (day) ⁵	
Elementary	7 per student plus 15 per employee
Junior high	9 per student plus 15 per employee
High school	12 per student plus 15 per employee
Seasonal Commercial	
Camps ⁵	
Day (no meal served)	10 per person
Day (only lunch served)	15 per person
Resort (limited plumbing)	50 per bed
Fairgrounds, parks and picnic areas	10 per person
(with bath, showers and toilets)	5
Swimming pools and bathhouses ⁵	10 per person
Campgrounds	
No sewer hookups	50 per site
With sewer hookups	75 per site

NOTES:

- ¹ For facilities that constitute a composite of one or more of the following types of facilities, the design flow shall be calculated by adding the design flow for each type of facility that comprises the entire facility.
- ² Square feet refers to the square feet of dining area as defined by this chapter.
- ³ Square feet refers to square feet of serving area.
- ⁴ Square feet refers to square feet of gross leasable area as defined by Chapter 125, Land Use.
- ⁵ Estimated maximum occupancy per day, as shown on land use ordinance permit, application or site plan.
- ⁶ Per vehicle that can be fueled simultaneously.

- B. *Increase of volume or change of use of existing facility.* For the expansion of a facility or use, increase of sewage discharge or the change of use of a property, the Superintendent shall determine whether the proposed design flow will increase over the current flow, the current flow being the highest design flow based on the actual use of the property in the past two years. The Superintendent shall first calculate the proposed design flow, using the method outlined in this section, and then subtract therefrom the current design flow which shall be calculated using the same method used to calculate the proposed design flow. The resulting number shall be the design flow on which the connection fee shall be based.

§ 165-12. Inspections.

The Superintendent or Code Enforcement Officer may inspect any system for which a permit is granted pursuant to this chapter to ensure continued compliance with the same. Upon the finding of a violation, such official shall take all necessary enforcement action.

§ 165-13. Enforcement.

This chapter may be enforced under 30-A M.R.S.A. § 4452 and Chapter 125, Article X of the Bar Harbor Code.

§ 165-14. Appeals.

The Town Council ~~Board of Appeals~~ may, upon written application of an aggrieved party received by the Planning Department within 30 days of the Super-

intendent's decision on a connection permit, hear appeals from said decision. All appeal procedures shall be as provided by Chapter 125, Land Use, § 125-103, Administrative appeals, except that "Superintendent" shall be substituted for "Code Enforcement Officer", ~~and~~ "Chapter 165, Article IV of the Bar Harbor Code" shall be substituted for "this chapter" and "Town Council" shall be substituted for "Board of Appeals."

§ 165-15. Term of permit.

A connection permit shall expire and all fees shall be forfeited 18 months from the date the permit was issued if within such time the new building sewer is not connected to the public sewer, the flow of the existing sewer connection is not increased, or the use of the property has not changed, as provided in the connection permit application.

§ 165-16. Refunds.

Within 18 months from the date of issuance the Finance Director may refund to the permittee the connection fee paid, less an administrative fee of \$100, upon the return of the unused connection permit. A permit shall be considered unused if, within 18 months from the date the permit was issued, the new building sewer is not connected to the public sewer, the flow of the existing sewer connection is not increased, or the use of the property has not changed, as provided in the connection permit application. Upon payment of the refund, the sewer connection permit shall become null and void.

§ 165-17. Denial of permit.

The Superintendent shall deny a sewer connection permit if the sewer lines or any pump stations serving the subject property have insufficient capacity to carry the proposed flow or if the proposed project will provide sewage which would cause the wastewater treatment plant to receive influent in excess of its design capacity for flow, biochemical oxygen demand or other design parameter.

ARTICLE V, Private Sewage Disposal

§ 165-18. Private system required when public sewer is unavailable.

Where a public sewer is not available under the provisions of § 165-4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter and all applicable statutes and/or regulations of the State of Maine.

§ 165-19. Inspection of system.

A private sewage disposal system shall not be made operable until the installation is completed and approved by the Plumbing Inspector. He shall be allowed to inspect the work at any state of construction, and, in any event, the owner shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Plumbing Inspector.

§ 165-20. Abandonment of private system.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 165-4, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks,

cesspools and similar private sewage disposal facilities shall be abandoned, drained and filled with suitable material.

§ 165-21. Maintenance required.

The owner shall operate and maintain a private sewage disposal facility in a sanitary manner at all times.

ARTICLE VI, Building Sewers and Connections

§ 165-22. Permit required.

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town and paying to the Town any fee imposed.

§ 165-23. Classes of permits; application.

- A. There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent.

§ 165-24. Costs of installation.

All costs and expense incident to the installation, repair and maintenance or reconstruction of a building sewer to the service connection shall be borne by the owner. The initial installation of the service connection from the public right-of-way to the public sewer shall be installed by the owner, with all costs and expenses incidental to the initial service connection being borne by the owner. Upon inspection and acceptance by the Town, the service connection will be maintained by the Town. The owner is responsible for road opening permits and/or other utility permits or notifications.

§ 165-25. Location of connection.

The building sewer shall be connected to a service connection at a place designated by the Superintendent.

§ 165-26. Separate sewers required.

A separate and independent building sewer shall be provided for every building except as otherwise provided in this article. Grouping of more than one building on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but only after special permission of the Town Council, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town Council.

§ 165-27. Use of existing building sewers.

Existing building sewers may be used in connection with any building only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 165-28. Construction materials.

The building sewer shall be cast-iron soil pipe ASTM Specification A74-66 or equal; asbestos-concrete sewer pipe Class 1500 Type II ASTM Specification

C428-67 or equal; polyvinyl chloride (PVC) conforming to commercial standard CS272-65 for PVC-DMV piping; and shall be Schedule 40 or other suitable pipe approved by the Town Council.

§ 165-29. Joints and connections.

All joints and connections under this article shall be made permanently gastight and watertight.

- A. The following type of joints shall be used:
- (1) All joints in vitrified clay pipes or between vitrified clay pipe and metals shall be made by cementing with one part cement and two parts sand, or by an approved hot poured asphaltic jointing compound, or by an approved mechanical joint.
 - (2) All PVC piping shall be of the socket type and assembly made with solvent cement approved for PVC.
 - (3) All joints in cement-asbestos sewer pipe shall be made with rubber rings furnished by the manufacturer of the pipe and installed in strict accordance with the recommendations of the manufacturer.
 - (4) All joints in cast-iron piping shall be firmly packed with oakum or hemp and secured with pure lead or other approved material, not less than one inch deep.
- B. Adapters approved by the Superintendent shall be used when changing from one kind of pipe to another. Any departure in type of joint from the above shall be made only on the approval of the Superintendent.

§ 165-30. Filled or unsettled ground.

The building sewer, when laid in unstable, filled or unsettled ground, shall be laid in a manner approved by the Superintendent.

§ 165-31. Size and slope of building sewer.

The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than 1/4 of an inch per foot. If a slope of less than 1/4 of an inch per foot must be maintained, the minimum diameter shall be six inches. In no case shall the slope be less than 1/8 of an inch per foot.

§ 165-32. Grade.

The building sewer shall be laid at a uniform grade. Offsets or changes in direction shall be made only with properly designed pipe fittings to permit the use of a sewer rod or by the use of access manholes.

§ 165-33. Artificial lifting of sewage.

In any building for which the building sewer is too low to permit gravity flow to the service connection, sewage carried by such pipe shall be lifted by artificial means and discharged to the service connection.

§ 165-34. Cleanouts.

A suitable cleanout connection shall be installed inside the building to permit cleaning the building sewer with a sewer rod.

§ 165-35. Excavations.

All excavations required for the building sewer and/or service connection shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfilling shall be done in accordance with the standard practice to provide proper support, drainage and freedom from damage in backfilling. No excavations will be left open overnight, except under unusual circumstances and

with prior approval of the Superintendent. No backfill shall be placed until the pipe has been inspected. After inspection, no additional connections shall be made to the building sewer.

§ 165-36. Inspection prior to connection.

The permittee shall notify the Superintendent when the building sewer and/or service connection is ready for inspection. The connection shall be made under the supervision of the Superintendent or his agent. Inspection must be made within 48 hours of notice.

§ 165-37. Excavations to be guarded; repair of sidewalks.

All excavations for the service connection from the public right-of-way to the public sewer shall be adequately guarded with barricades, signs, lights, and other means of traffic control so as to protect the public from hazard. Sidewalks or other public property disturbed in the course of installation or repair of a building sewer and/or service connection shall be restored at the expense of the owner of the property being served in a manner satisfactory to the Superintendent.

§ 165-38. Additional rules and regulations.

The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary relating to connections with the sewerage system, which additional rules and regulations, to the extent appropriate, shall become a part of this chapter.

ARTICLE VII, Use of Public Sewers

§ 165-39. Discharges to sanitary sewer restricted.

No person shall discharge or cause to be discharged any storm waste, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 165-40. Discharge of stormwater and unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains or to a natural outlet approved by the Superintendent.

§ 165-41. Certain discharges prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- F. Any water or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.

- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewerage system.
- H. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdictions for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- L. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewerage system.
- M. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewerage system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 165-42. Interceptors.

- A. *Grease interceptors required.*
 - (1) Grease interceptors shall be provided in the following establishments where food is prepared or dispensed: restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, bed-and-breakfasts, hospitals, sanitariums, factories, school kitchens, commercial kitchens and nursing homes.
 - (2) The Wastewater Superintendent may authorize annual waivers in those cases where one of the above commercial establishments is determined not to be a grease generator. Any establishment that generates wastewater, or other waste to enter the public sewer, which contains less than 100 parts per million, by weight, of fat, oil or grease shall be considered not to be a grease generator. In reaching his determination the Wastewater Superintendent may require a test. Testing fees, if necessary, shall be paid by the applicant. If inspection of a sewer service indicates grease is entering the system from a property that has previously obtained a waiver, the Superintendent may revoke the waiver and require that a grease interceptor be installed.
 - (3) A grease interceptor is not required for individual dwelling units or for any private living quarters. Establishments which are not on the public sewer system are exempt from the requirements of this chapter.
- B. *Oil and sand interceptors required.* Oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- C. *Construction and design of interceptors.* All grease interceptors shall be of a design conforming to Plumbing and Drainage Institute Standard PDI-G101, December 1985 Edition. Sand and oil interceptors, when in the opinion of the Superintendent they are necessary, shall conform to the same standards as grease interceptors. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They

shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight. The Superintendent shall review and approve all sizing requirements prior to application for the installation permit.

- D. *Permit required for installation.* A permit for installation of an interceptor shall be obtained from the local plumbing inspector.
- E. *Location.* Each interceptor and grease trap cleaning record shall be so located as to be readily and easily accessible for cleaning and inspection at all times. Grease trap cleaning records shall be displayed proximal to the location of the grease interceptor. Grease interceptors shall be of the internal type.
- F. *Installation and maintenance.*
 - (1) All establishments which are required to install grease interceptors must have the same installed no later than August 1, 1997.
 - (2) Installation and maintenance of any interceptor shall comply with the Plumbing and Drainage Institute Standard PDI-G101,EN except that accumulated grease shall be removed as needed and at the minimum of one time every two weeks during July, August and September and one time every four weeks at other times of the year. If inspection indicates minimum cleaning requirements are not adequate, additional cleanings may be required. Owners of properties in which grease interceptors are installed must~~shall~~, on grease trap cleaning records provided by the Town of Bar Harbor, forms available at the Bar Harbor Town Office, maintain a record of the dates ~~and times~~ that such interceptors are cleaned. These records remain the property of the Town of Bar Harbor and are the only recognized proof of cleaning. simple records will consist of checklists. Seasonal businesses are exempt from inspection and cleaning requirements during the times of year when they are closed.
- G. *Inspection and violations.* In the application for the installation of an interceptor, the owner or tenant of the premises shall grant to the Town permission to conduct unannounced inspections of such interceptor during normal business hours, which inspections shall not unreasonably interfere with normal operations of the business. Should an inspection show a violation of this § 165-42, the owner and/or tenant of the premises will be advised as to the requirements of this section. Should a second inspection reveal a violation of § 165-42, a written warning shall be issued describing the requirements of this section. In the event a third violation occurs, the highest dollar value of the following will be charged to the owner, tenant and/or occupant of the premises for each violation: a minimum surcharge of \$200, or ~~Any subsequent violations of this § 165-42 will result in a ten-percent surcharge to the premises' sewer bill for the current quarter. If further violations continue, these and~~ may result in the prosecution of the owner, tenant and/or occupant of the premises pursuant to § 165-50 of this chapter.

§ 165-43. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are installed they shall be maintained by the owner, at his expense, in continuously efficient operation at all times and made available to the Superintendent for periodic inspection.

§ 165-44. Wastes requiring Council approval.

- A. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million by weight of suspended solids, or any quantity of substances having the characteristics described in § 165-41, or an average daily flow greater than 2% of the total average daily sewage flow, shall be subject to review and approval of the Town Council. Where necessary in the opinion of the Town Council, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 165-41; or
 - (3) Control the quantities and rates of discharge of such water or wastes.
- B. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town Council, and no construction of such facilities shall be commenced until said approval is obtained in writing.

§ 165-45. Control manholes.

When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him.

§ 165-46. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ 165-41 and 165-44 shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in § 165-45 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer nearest the point at which the building sewer is connected.

§ 165-47. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment; provided, however, that such industrial concern shall make formal application to the Town requesting exemption from existing requirements and this request shall be publicly advertised and a public hearing held. Any exemption granted shall be subject to payment for such direct increased costs as well as amortizing any anticipated long-term costs for damage to the sewer system as a result of granting the exemption, billing for such costs to be made as an addition to the regular periodic charges for use of the sewerage system.

ARTICLE VIII, Enforcement

§ 165-48. Penalty for damage to system.

Any person who shall willfully or maliciously injure any part of the sewerage system shall be subject to the general penalty set forth in § 1-18 of this Code.

§ 165-49. Right of entry.

Duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing of the sewer and any connections in accordance with the provisions of this chapter. If permission is de-

nied by any person, then all sewerage system service may be discontinued by order of the Town Council with respect to the property of said person.

§ 165-50. Enforcement officer.

This chapter shall be enforced by the Bar Harbor Public Works Director, or his/her designee, the Bar Harbor Code Enforcement Officer pursuant to the terms of Article X of Chapter 125, Land Use, and 30-A M.R.S.A. § 4452, as the same may be amended.

ARTICLE IX, Sewer Extensions

§ 165-51. Conditions for extension.

Public sewer extension may be made upon petition of prospective users, provided such users are located on an already accepted road or roads approved by the Planning Board of the Town of Bar Harbor, subject to the following conditions:

- A. The size of the sewer extension shall be determined by the Superintendent, giving consideration to possible future expansion.
- B. The Town may refuse to make an extension if such extension does not appear to be in the best interests of the Town.

ARTICLE X, Construction of Public Drain or Common Sewer

§ 165-52. Statutory Authority.

The authority for this Article X is 30-A M.R.S.A. § 3441, which authorizes the Bar Harbor Town Council to accept the applicability of 30-A M.R.S.A. §§ 3441 – 3445, regarding assessments and fees for new sewer construction, to the Town.

§ 165-53. Expense of construction

- A. Estimate and assessment of costs; notice. Once the Town has constructed and completed a public drain or common sewer, the Town Council shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner of the land or person in possession, or against whom the taxes on the land are assessed, whether the person to whom the assessment is so made is the owner, tenant, lessee or agent and whether the land is occupied or not, the sum not exceeding the benefit they consider just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any necessary sewage disposal units and appurtenances. The whole of the assessments may not exceed $\frac{1}{2}$ the cost of the drain or sewer and sewage disposal units unless 75% or more of the landowners that will be benefited by the expansion petition the Town Council to construct the drain or sewer and sewage disposal unit and agree to pay a higher assessment that must be identified in the petition. The Town, through its employees and assigns, shall maintain and keep the drain or sewer in repair.

- (1) Farmland, as defined by 36 M.R.S.A. §1102(4), is exempt from assessment under this subsection when no benefits are derived from the common sewer or drain. The owner of the farmland must notify the Town Council that farmland

property may qualify for this exemption. The Town Council shall revise the assessments against qualified farmland to exempt it from assessment. Any revision of assessment provided by this paragraph must be in writing and recorded by the clerk.

- (a) When the use of the land is changed from farmland, the owner shall within 60 days notify the Town Council in writing of the change. The Town Council shall assess this land in an amount equal to the assessment which would have been due but for this subsection. The Town Council shall notify the owner of the assessment due which the owner shall pay within 60 days of notice or as provided by the Town Council under their authority in section 165-55.

- B. Filing of assessments. ~~The Town Council shall file with the Town clerk~~
adopt an Order detailing:

- (1) The location of the drain or sewer and sewage disposal unit, with a plan and profile description of the same;
(2) A statement of the amount assessed upon each lot or parcel of land assessed under this section; and
(3) The name of the owner of the lots or parcels of land or persons against whom the assessment is made.

- C. Notice of assessment. ~~Within 10 days after filing occurs under subsection 3 B, the Town Clerk shall send the notice specified in subsection 1 by certified mail, return receipt requested, to each person so assessed at the address listed in the Town's tax assessment roles. shall have notice of the assessment given to that person or left at that person's usual place of abode in Bar Harbor.~~

If the person has no place of abode in Bar Harbor, then the notice shall be given or left at the abode of the tenant or lessee, if any. If there is no tenant or lessee in Bar Harbor, then the notice shall be given by:

Posting it in some conspicuous place in the vicinity of the lot or parcel of land so assessed at least 30 days before the hearing; or

Publishing it for 3 successive weeks in any newspaper of general circulation in Bar Harbor. The first publication must be at least 30 days before the hearing.

- (1) The notice must contain an authentic copy of the assessment, and an order of notice signed by the Town clerk stating the time and place for a hearing upon the subject matter of the assessments. A return made upon a copy of the notice by any sheriff in Bar Harbor or the production of the paper containing the notice is conclusive evidence that the notice was given.

- D. Hearing; revision of assessments. ~~When the hearing is held, the Town Council may revise, increase or diminish any of these assessments. Any revision, increase or diminution must be in writing and approved by a motion of the Town Council and recorded in the minutes by the Town eClerk.~~

§ 165-54. Arbitration of assessment

Any person who is dissatisfied with the amount assessed under section 165-53 may, within 10 days after hearing under section 165-53(E), make a written request to the Town eClerk to have the assessment upon the lot or parcel of land determined by arbitration.

- A. Arbitrators selected. ~~The Town Council shall nominate 6 persons who are residents registered voters of the Town of Bar Harbor. The applicant shall select 2 of these persons those nominated, and these 2 persons shall select a 3rd person who is a resident registered voter of the Town of Bar Harbor and who is not one of the 6 persons nominated by the Town Council.~~

- B. *Arbitration procedure.* The 3 persons selected under subsection A shall fix the amount to be paid by the applicant. Within 30 days from the hearing before the Town Council under section 165-53, the arbitrators shall report their findings to the Town eClerk who shall record them. The arbitrators' report is final and binding on all parties.

§ 165-55. Collection of assessments

All assessments and charges made under this Article X shall be certified by the Town Council and filed with the tax collector for collection. A facsimile of the signatures of the Town Council imprinted at their direction upon any certification of an assessment or charge under this chapter has the same validity as their signatures.

- A. ~~Payment over time.~~*Installment Payments.* The Town Council may adopt an order generally authorizing the assessor and the tax collector to assess and collect those assessments and charges over a period of time not exceeding 10 years.
- (1) The assessor and collector may exercise this authority only when the person assessed has agreed to ~~that method of assessment and collection~~ installment payments in writing and notice of that fact has been recorded by the Town Clerk in the appropriate registry of deeds.
- (2) The Town Council shall annually file with the tax collector a list of installment payments due the Town, which must be collected with interest at a rate determined by the Town Council. If, within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest, the person assessed fails, neglects or refuses to pay the Town the expense incurred, the assessor may assess a special tax, equal to the amount of the total unpaid assessment and charges, upon each lot or parcel of land so assessed and buildings upon the lot or parcel of land. This assessment must be included in the next annual warrant to the tax collector for collection and must be collected in the same manner as ~~state~~-county and municipal taxes are collected.
- (a) Interest at the same rate used for delinquent property taxes as established by 36 M.R.S.A. §505(4) on the unpaid portion of assessments and charges due the Town of Bar Harbor accrues from the 30th day after written notice to the person assessed and must be added to and becomes part of the special tax when committed to the tax collector.
- B. *Action to recover unpaid assessments.* If assessments under this section are not paid, and the Town does not proceed to collect the assessments by a sale of the lots or parcels of land upon which the assessments are made, or does not collect or is in any manner delayed or defeated in collecting the assessments by a sale of the real estate so assessed, then the Town may maintain a civil action in its name against the party so assessed for the amount of the assessment in any court competent to try the action. In this action, the Town may recover the amount of the assessment with 12% interest on the assessment from the date of the assessment and costs.

§ 165-56. Lien for payment on lot and building; enforcement

When any assessment made under section 165-53 is paid by any person against whom the assessment has been made, who is not the owner of the lot or parcel of land, then the person paying the assessment has a lien upon the lot or parcel of land with the buildings on the land for the amount of the assessment paid by that person, and incidental charges. The lien may be enforced in a civil action, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under Title 10 of the Maine Revised Statutes Annotated. The lien shall continue one year after the assessment is paid.

[end of ordinance]

B. Special Town Meeting: November 4, 2008 – *Explanation and public discussion of each article on the November 7th Special Town Meeting ballot.*

- **Article 2 – Charter Commission Creation**
- **Article 3 – LUO: Wireless communication Facilities Ordinance**
- **Article 4 – LUO: Shoreland Standards**
- **Article 5 – LUO: Planned Unit Development-Outlying Area**
- **Article 6 – LUO: Planning Board Procedure**
- **Article 7 – LUO: Nonconforming Vacation Rentals**
- **Article 8 – LUO: Residential Garage Definition**
- **Article 9 – LUO: Gross Leasable Area Definition**
- **Article 10 – LUO: Exceptions to Setbacks**
- **Article 11 – LUO: Temporary Storage Facilities**
- **Article 12 – LUO: Height (Downtown Business Districts) Definition**
- **Article 13 – LUO: Lighting Ordinance**
- **Article 14 – School Reorganization Plan**

There were no questions or comments from the public.

VI. REGULAR BUSINESS:

A. Street Lights: Rockwood Avenue – *Petition request of street residents for removal of the street light in front of 5 Rockwood Avenue.* – Mr. Paradis, with second by Ms. Schloss, moved to authorize removal of street light #5 in front of 8 Rockwood Avenue. Motion passed 6-0.

B. Economic Development Task Force –

1. *Application of Matthew Horton to serve as a downtown anchor representative.*
2. *Application of Ted Koffman to serve as the College of the Atlantic representative.*

Mr. Paradis nominated Matthew Horton to serve as a downtown anchor representative, and Ted Koffman to serve as the College of the Atlantic representative, on the Economic Development Task Force. Mr. Horton and Mr. Koffman were appointed to their respective seats by a unanimous vote of 6-0.

C. Committee Consultation: Parks & Recreation Committee – *Discussion of current projects, future plans and any support needed from Council.* – Mr. Jon Mitchell, Chair of Parks & Recreation Committee, reported the following projects are in the works: gathering ideas for improving public use of Hadley Point beach and getting a site survey; re-evaluating Barker

Park and creating a more affordable plan; viewing Grant Park for site work; looking for replacement of planks and boards in Harborview Park; dressing up the curbing in Agamont Park; and seeking to upgrade and replace playground equipment at the Park Street playground. The Council thanked the committee for their work and noted that Barker Park is on their list of priorities as well.

- D. Vacation Rentals Implementation** – *Request of the Town Council for a report on the cost and operational aspects of Vacation Rentals Ordinance implementation.* - Following a brief overview of the report by Angela Chamberlain, Code Enforcement Officer, Mr. Paradis, with second by Ms. Schloss, moved to accept and file the report from the Code Enforcement Officer on Vacation Rentals implementation and thank the Code Enforcement Division for this report. Motion passed 6-0.
- E. Consolidated Capital Work Program** – *Report of the Public Works Director on the capital projects to be undertaken over the next five years by the Highway, Water and Wastewater Divisions.* – Mr. Paradis, with second by Mr. Garland, moved to endorse the concepts proposed in the Public Works Director's five year Consolidated Capital Work Program and request the Manager to include portions as appropriate in the upcoming budget cycle. Motion passed 6-0.
- F. Solid Waste: PERC Municipal Review Committee** – *Request of the MRC for nominations to serve on the PERC oversight board.* – There was no action taken.
- G. November 4 Election** – *Request of Town Clerk to approve the appointment of Patricia Gray as Warden for the State election, pursuant to 21A MRSA §501.* – Mr. Paradis, with second by Mr. Garland, moved to confirm the appointment of Patricia Gray as Warden for the State election, pursuant to 21A MRSA §501. Motion passed 6-0.
- H. Charter Commission** – *Review and possible approval of background materials for the November 4 election.* – Mr. Paradis, with second by Mr. Garland, moved to approve, as amended, and authorize publication of the "Letter to the Citizens of Bar Harbor on voting on the creation of a Charter Commission". Motion passed 6-0.
- I. FY10 Budget Preparation:** *Request of the Town Manager for guidance regarding preparation of the budget for next fiscal year.*
- 1. Tax Base Growth Assumptions** – *Review of the Town Manager's recommendation regarding the amount of new construction to be added to the tax base, or abatements subtracted.* – Mr. Paradis, with second by Mr. Garland, moved to use the amount of \$6,000,000 as the amount for assumed tax base growth. Motion passed 6-0.
 - 2. Fund Balance** – *Possible affirmation of the Council Fund Balance Policy governing what to do with fund balance.* – Mr. Para-

dis, with second by Mr. Garland, moved to budget for no FY09 transfer to the Capital Improvement Fund from the General Fund Undesignated and Unreserved Fund Balance. Motion passed 6-0.

3. Budget Timeline – *Possible adoption of a suggested timeline for budget preparation, including setting special Council meeting dates.* – Mr. Paradis, with second by Ms. Schloss, moved to adopt the budget timeline as presented with the exception of moving tentative adoption of the budget to January 29, 2009, the Public Hearing to February 10, 2009, and cancelling the regular meeting on February 17, 2009. Motion passed 6-0.

4. Outside Organizations – *Request of the Town Manager for guidance on budget levels.* – Following a brief discussion, there was no change in past practice.

5. Other Budget Issues – *Discussion of any other matters related to the preparation of next year's budget.* – There were none.

J. Veterans' Day Bell Ringing – *Possible request of the Town Council for local churches to sound their bells in observance of Veteran's Day, per state statute 30-A-MRSA §2901.4.* – Mr. Paradis, with second by Mr. Garland, moved to request staff to organize the annual Veterans' Day bell ringing. Motion passed 6-0.

K. Tax Abatements – *Request of the Tax Collector for the abatement of taxes on two properties due to assessment errors.* – Mr. Paradis, with second by Ms. Schloss, moved to order that 2006 taxes be abated for parcel 107-118-000, 36 Pleasant Street, to Peter Jarvis in the amount of \$2,102.05 and that 2007 taxes be abated for the same parcel in the amount of \$2,168.82; and to further order, that 2006 taxes for parcel 206-011-001, Bayview Drive, to Todd Jameson in the amount of \$1,711.90 be abated due to incorrect assessments being discovered more than one year after the date of commitment. Motion passed 6-0.

L. MDI High School Trustees – *Request of the Superintendent's Office for appointment of two trustees.* – Council members will actively seek residents for consideration.

M. Treasurer's Warrant – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Ms. Schloss, moved to sign the Treasurer's Warrant for paid bills. Motion passed 6-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Jordan was pleased that Council is seriously moving forward with Barker Park. He also was pleased to hear that Chip Reeves' report with the Conservation Commission included the statement that the Town should be taking the lead in doing an energy audit.

Ms. Eveland encouraged residents to get out and vote and that absentee voting is going on now.

She gave the reminder that all elected board members must complete the “Right to Know” training by November 1st; and requested staff to send out a reminder to the Warrant Committee.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

A. Grant Park – *Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* – At 8:54 p.m., Mr. Paradis, with second by Ms. Schloss, moved to go into executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town. Motion passed 6-0. Following a break, Council entered into executive session at 9:02 p.m. and came out at 9:10 p.m.

B. Town Manager’s Performance Evaluation – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – At 9:11 p.m., Mr. Paradis, with second by Ms. Schloss, moved to go into executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 6-0. Council came out of executive session at 9:41 p.m.

IX. ADJOURNMENT – Mr. Paradis, with second by Mr. Garland, moved to adjourn at 9:41 p.m. Motion passed 6-0.

Paul Paradis, Secretary